

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARK MULDOWNEY,
Plaintiff,

Civil Action

v.

No. 04-11740-GAO

RICK SMITH,
Defendant.

ORDER ON SCREENING
PURSUANT TO SECTION 1915(e)(2)

Having completed the screening on the merits of plaintiff's amended complaint pursuant to Section 1915(e)(2), the Court makes the following findings:

FINDINGS

1. The amended complaint is frivolous, malicious, or fails to state a claim upon which relief may be granted:

No ☐ Yes ☒ as to defendant(s) Rick Smith.

2. The complaint seeks relief from a defendant or defendants who are immune from such relief:

No ☒ Yes ☐ as to defendant(s)

ORDERS

Based upon the foregoing:

1. The Clerk shall issue summonses and the United States Marshal shall serve a copy of the complaint, summons and this order upon defendant(s) as directed by the plaintiff with all costs of service to be advanced by the United States.

No ☒ Yes ☐ ☐ as to all defendants
☐ only as to defendant(s)

2. The complaint shall be dismissed pursuant to 28 U.S.C. § 1915(e)(2) without further notice after thirty-five days from the date of this Order, unless before that time plaintiff demonstrates good cause, in writing why this case should not be dismissed for the reasons stated in the accompanying memorandum.

No ☐ Yes ☒ ☒ as to all defendants
☐ only as to defendant(s)

SO ORDERED.

11/12/04
DATE

/s/ George A. O'Toole, Jr.
UNITED STATES DISTRICT JUDGE